IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:19-hc-02108-BO

JUAN CARLOS VILLEDA,)	
Petitioner,)	
v.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	

On April 5, 2019, Juan Carlos Villeda ("petitioner"), then an inmate at FMC Butner, filed pro se a petition for a writ of habeas corpus under 28 U.S.C. § 2241. [D.E. 1]. On October 23, 2019, the court directed plaintiff to show good cause, no later than November 8, 2019, why the petition should not be dismissed as moot due to petitioner intervening release from federal custody on October 2, 2019, or dismissed for failure to prosecute under Local Civil Rule 83.3. Order [D.E. 8]. On November 8, 2019, the court's order to show cause was returned as undeliverable [D.E. 9]. Petitioner has failed to respond to the court's order to show cause and the time to do so has passed.

Accordingly, the court: DISMISSES WITHOUT PREJUDICE the petition either as moot or for failure to prosecute; DENIES AS MOOT the pending motion [D.E. 5]; and DENIES a Certificate of Appealability, see 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This / day of November 2019.

TERRENCE W. BOYLE
Chief United States District Judge